

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CIVIL NO. 1:22-CV-00798-KG-GJF
v.)	
)	
4.0897 ACRES OF LAND, MORE OR)	
LESS, SITUATE IN MCKINLEY)	
COUNTY, STATE OF NEW MEXICO;)	
MASCI FAMILY LIMITED)	
PARTNERSHIP, <i>et al.</i>)	PARCEL NOS. NGP-16 (FEE), NGP-16A (P)
)	NGP-16B (P), NGP-16C (P), NGP-16A (T),
Defendants.)	NGP-16B (T), AND NGP-16C (T)

FINAL ORDER AND JUDGMENT

This Court has issued Findings of Fact and Conclusions of Law regarding the title and just compensation for the 4.0897-acre property described in Schedules C and E of the Complaint and Declaration of Taking filed on October 25, 2022 (ECF Nos. 1, 2) in this case.

The Court finds that it has jurisdiction over the parties and the subject matter of this action.

It is therefore **ORDERED, ADJUDGED, AND DECREED** that Final Judgment be entered against Plaintiff United States of America and in favor of defendants Venus Anne Masci and John David Masci in the amount of \$17,500.00, together with any interest earned thereon while on deposit, such funds being previously deposited by the United States, and that said just compensation is in full satisfaction of any and all claims of any nature against the United States by reason of the institution and prosecution of this action and the taking of said lands.

It is **FURTHER ORDERED** that:

1. If any person or entity other than Venus Anne Masci or John David Masci is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the Property taken in this case, Venus Masci and John Masci shall be jointly and severally liable to refund into the Court registry the compensation distributed herein, or such

part thereof as the Court may direct, with interest thereon calculated in accordance with the provision of 40 U.S.C. § 3116, from the date of receipt of the award by Venus Anne Masci and John David Masci to the date of repayment into the Court registry.

2. The United States shall be held harmless from the claims of any other party claiming an interest in all, or part, of the \$17,500.00 that constitutes just compensation for the Subject Property and will be paid to defendants Venus Anne Masci and John David Masci this action. The United States shall be held harmless from the claims of any and all parties having liens or encumbrances on or before November 1, 2022, and any other parties who may be entitled to any portion of the just compensation to be paid by virtue of any recorded or unrecorded easement.

3. Defendants Venus Anne Masci and John David Masci shall pay and discharge in full all taxes, assessments, liens, and encumbrances against the property, if any exist, as of November 1, 2022.

4. The parties shall be responsible for their own legal fees, costs, and expenses (including attorneys' fees, consultants' fees, experts' fees, transcript costs, and any other expenses relating to this litigation).

5. The parties shall take no appeal from the entry of judgment in accord with the Stipulation of Just Compensation between the United States and defendants Masci Family Limited Partnership, Mary Masci Revocable Trust, John David Masci, as trustee for the John David Masci Revocable Trust, and Venus Anne Masci. ECF No. 28-7.

6. The Clerk of Court is **DIRECTED** to immediately distribute all sums on deposit in the Court's registry, together with any interest earned thereon while on deposit, in equal amounts to defendants Venus Anne Masci and John David Masci. The payments shall be made by check mailed to:

Venus Anne Masci
636 Calle Aragon
Taos, NM 87571

and

John David Masci
P.O. Box 167
Gamerco, NM 87313

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE